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Date: Sun, Nov 14, 2010 at 7:23 AM
Subject: Ungar v. PLO--- Robinson
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Counsel,

On October 26, 2010, Magistrate Judge Martin ruled that any argument by defendants "that the judgment in this case has foreign policy implications and/or that the denial of the Motion to Vacate will have foreign policy implications ... may only rely upon materials in the public record."

We note, however, that pages 17-19 of Glenn Robinson's report indicate that he intends to present opinion testimony in support of this argument -- which is clearly barred under the October 26 order.

Accordingly, please confirm by noon on November 15 that:

- 1) Defendants will not seek to present expert testimony from Glenn Robinson or any other purported expert in support of their claim "that the judgment in this case has foreign policy implications and/or that the denial of the Motion to Vacate will have foreign policy implications," and that section 6 of Robinson's report is withdraw;
- 2) Defendants will not seek to present purported fact testimony from any witness in support of their claim "that the judgment in this case has foreign policy implications and/or that the denial of the Motion to Vacate will have foreign policy implications"; and
- 3) Defendants will not seek to present any evidence in support of their claim "that the judgment in this case has foreign policy implications and/or that the denial of the Motion to Vacate will have foreign policy implications" except for "materials in the public record."

Any refusal to confirm all the above would in effect constitute a refusal to abide by Judge Martin's order, and therefore absent such confirmation we will file an appropriate motion in limine.

Dave Strachman

P.S. Nothing herein should be construed as a concession that the alleged "foreign policy implications" of the case and/or the judgment is a proper topic for the court to consider.

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